

TOWN OF NEW WINDSOR

ZONING BOARD OF APPEALS Regular Session

SEPTEMBER 24, 2007 AGENDA

7:30 p.m. – Roll Call

PRELIMINARY MEETINGS:

1. **JONATHAN GODFREY (07-49)** Request for 5 ft. Side Yard Setback and; Variance of [300-11-A-3 No accessory building shall project nearer to the street on which the principal building fronts than such principal building.] for proposed pole barn at 271 Riley Road in an R-3 Zone (**35-1-86.2**)
2. **DONNA VERDIGLIONE (07-50)** Request for 20 ft. Rear Yard Setback for existing 10 ft. X 20 ft. screen room at 34 Knox Drive in an R-4 Zone (**6-4-11**)
3. **FRANCES HALES (07-51)** Request for 15.5 ft Side Yard Setback and; 2.5 ft Total Side Yard Setback and; 19 ft. Rear Yard Setback for proposed addition at 109 Erie Avenue in an R-4 Zone (**26-1-10**)
4. **JOANN MANGIARACINA (07-52)** (As referred by the Planning Board) Request for

REQUIRED SIDE YARD - SILO	40 ft.	2.3 ft	37.7 ft.
REQUIRED SIDE YARD - BARN	40 ft.	24.3 ft.	15.7 ft.

for existing Barn and Silo at 122 Toleman Road in an R-3 Zone (**56-1-56**)

PUBLIC HEARINGS:

5. **DOMINIC DESMOND (07-44)** Request for 12ft rear yard setback for existing deck at 319 Burroughs Lane in an R-4 zone (**75-9-3**)

TABLED ITEM FROM 9/10/07 MEETING:

6. **MATTHEW ZALOGA (for Mazza)** Request for variance to permit 8 ft. fence for proposed tennis court at 1016 Forest Glen in an R-3 Zone (**89-6-10**)

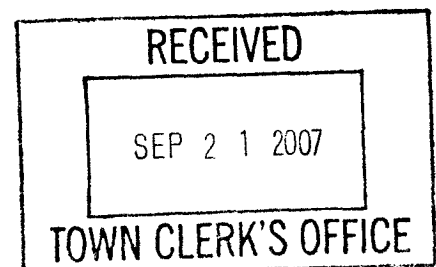
FORMAL DECISIONS:

07-04 MC DONALD
07-08 ELK'S CLUB
07-05 MENKENS
07-01 MATSUKA

06-56 LANDMASTER HARP LLC
06-58 DENISE STRALED (Vilda)
06-57 JEFFERS
06-59 QUERCIA

07-06 DEARNALEY

(NEXT MEETING – OCTOBER 22, 2007)



September 24, 2007

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TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS
SEPTEMBER 24, 2007

MEMBERS PRESENT: MICHAEL KANE, CHAIRMAN
KATHLEEN LOCEY
ERIC LUNDSTROM
PAT TORPEY

ALSO PRESENT: MICHAEL BABCOCK
BUILDING INSPECTOR

ANDREW KRIEGER, ESQ.
ZONING BOARD ATTORNEY

MYRA MASON
ZONING BOARD SECRETARY

ABSENT: KIMBERLY GANN

REGULAR MEETING

MR. KANE: I'd like to call to order the September 24,
2007 meeting of the New Windsor Zoning Board of
Appeals.

PRELIMINARY_MEETINGS:

JONATHAN_GODFREY_(07-49)

MR. KANE: Tonight's first preliminary meeting is Jonathan Godfrey. Request for 5 foot side yard setback and variance of 300-11-A-3, no accessory building shall project nearer to the street on which the principal building fronts than such principal building for proposed pole barn at 271 Riley Road.

Mr. Jonathan Godfrey appeared before the board for this proposal.

MR. KANE: So everybody knows with the prelims what we do is we hold two meetings, we hold a preliminary meeting so we can get a general idea of what you want to do, make sure you have all the information, pictures, that kind of stuff. And then everything is decided by a law at a public hearing. Other towns it's a one shot deal, if you don't have the right stuff you come in, you lose. So that's why we do a two session thing. So tell us exactly what you want to do, please. Speak up loudly so the young lady over there can hear you.

MR. GODFREY: Looking to put up a garage or pole barn type thing simply for more storage, vehicles and outdoor equipment, stuff like that. Being that I live on a hill on Riley Road with the aqueduct behind me it kind of limits my space for my back yard for storage so I'm asking permission to put something in the front of the house. I brought pictures showing the property, back yard.

MR. KANE: Creating any, cutting down any vegetation, substantial trees in the building of this?

MR. GODFREY: No, sir.

MR. KANE: Creating runoffs, water hazards?

MR. GODFREY: No, sir.

MR. KANE: Any easements in the area you intend to build?

MR. GODFREY: Not that I'm aware of.

MR. LUNDSTROM: We'll have to find that out before the public hearing.

MR. GODFREY: Okay.

MR. KANE: And there's an overhead utility, I don't see any easements.

MR. GODFREY: I don't think there's any easements.

MR. BABCOCK: I think there may be, there's a line that goes through in the front of the house, it says it's 100 foot wide easement to American Telephone Company.

MR. GODFREY: I believe it's moved, I believe it's on the other side of the road now that would run parallel with Riley.

MR. BABCOCK: Yeah, if you look at your survey this line is the easement line, this is the power line, utility line.

MR. GODFREY: I believe the line was moved, there's nothing over there anymore, I guess they still have an easement but the line's not there so--

MR. KANE: If the easement is in place you'll understand that if it is passed by the board that they have the right with an easement to go through there and take your shed down and do whatever they need to do, that's not something that we can change here. Would

the pole barn be visible from the road?

MR. GODFREY: Yes.

MR. KANE: How far back off the road is it going to be?

MR. GODFREY: Roughly 10 or 15 feet.

MR. KANE: Going to have any illumination in it?

MR. GODFREY: Illumination?

MR. KANE: Lights.

MR. GODFREY: I don't know, I was figuring maybe just basic fluorescents.

MR. KANE: Nothing that would inhibit view from the street?

MR. GODFREY: No.

MR. KANE: For the public as far as I'm concerned we'll just need you to check on that easement to make sure we have all the information. Further question from the board?

MR. LUNDSTROM: On the plot plan that you provided it shows two lots, lot 1 and lot 2, which lot are you addressing or is it both?

MR. GODFREY: It would be this one here I guess is lot 2, yeah, this is mine, what it was was years ago before I owned the house this was one piece of property and it was subdivided and the children from the parents built this house.

MR. BABCOCK: It's lot 2.

MR. LUNDSTROM: Okay and this is the dwelling on it

right here?

MR. GODFREY: Yes.

MR. LUNDSTROM: That's where you're planning on putting the garage?

MR. GODFREY: Yes.

MR. BABCOCK: As you can see his neighbor has a garage also in a similar location.

MR. KANE: Very similar location.

MR. LUNDSTROM: But it looks like the neighbor's garage is 21.4 feet back from the road.

MR. BABCOCK: Yes, it's a little farther back.

MR. LUNDSTROM: Yours is going to be a little bit--

MR. GODFREY: A little bit closer, yeah, the reason why I wanted to do that his is off to the side of his property and he has a driveway that comes straight up where mine is, I don't want, I want to be able to still maneuver and pull into the garage. I don't want to take up too much space in the driveway, so by moving it to the road I can make a K-turn and pull into the garage.

MR. LUNDSTROM: On the plot plan, where would you see the entrance to the garage being?

MR. GODFREY: Over here.

MR. BABCOCK: You want to drive right off Riley into the garage?

MR. GODFREY: No, sir, I want to come in from the driveway so the back of the building would actually

face the road.

MR. LUNDSTROM: If you were to move your garage back further?

MR. GODFREY: I don't mean to interrupt, the reason that is is my property sits up, if you walked on Riley Road you'd probably be eye level to my property.

MR. BABCOCK: That's correct.

MR. GODFREY: So I'd have to remove huge amounts of dirt to lower it to the road level. You follow what I'm saying?

MR. LUNDSTROM: All right, what would you have to do to move it back further away from the road?

MR. GODFREY: Nothing, I mean, I just would limit the amount of space in my driveway, that's all.

MR. LUNDSTROM: What about turning it around sideways so you can access it from the side?

MR. GODFREY: I would have to knock down trees and grass.

MR. LUNDSTROM: But you wouldn't have to do that if you moved it back.

MR. GODFREY: If I moved it back from the road I would just lose driveway.

MR. KANE: Keeping it in the same direction you originally did but if you're turning it, moving it back from the road.

MR. GODFREY: No, you couldn't, you'd lose everything, there wouldn't be any access, in other words, what I'm getting at here is the driveway comes up over here and

it continues all the way across, this is a shale driveway, comes all the way here, actually, you drive in this way and you're saying if I want to pull in this way, is that what you're asking me?

MR. LUNDSTROM: I'm thinking that could be moved back and turned around and go in sideways into the garage.

MR. GODFREY: There's an existing building here.

MR. LUNDSTROM: One of the things I'm going to require is that you get an accurate plot plan for the public hearing. Obviously, this plot plan is not correct, it's not thorough and again I would strongly suggest you look at moving that back further from the road so you're not asking us to grant that much of a variance.

MR. GODFREY: What would you like?

MR. LUNDSTROM: Ask the board right now, you're looking, Mike, what's the variance he's asking for?

MR. BABCOCK: Just to be in the front yard so anywhere it's the same variance no matter where he puts it.

MR. KANE: It's because the building is in front of the house here, there's no numbers involved.

MR. GODFREY: Sir, I would make whatever adjustments are necessary. I would just like to put a garage.

MR. LUNDSTROM: I would feel more comfortable since your neighbor has a garage 21.5 feet from the road if yours would be around 20 or 21 just to maintain the character of the neighborhood.

MR. KANE: If you can take us some pictures, draw it out for the public hearing and give us two views of it a little bit further back and right in there.

MR. LUNDSTROM: The other thing I would suggest for your public hearing is take one of these plot plans that's more accurate, blow it up and put it on the easel so not only all of us here but the public can see.

MR. GODFREY: All right.

MR. KANE: Any questions? I'll accept a motion. Do you have something Andy?

MR. KRIEGER: No.

MR. KANE: I'll accept a motion.

MR. LUNDSTROM: Mr. Chair, I will move that the application for Mr. Jonathan Godfrey be scheduled for a public hearing as identified on the agenda for the ZBA item number one dated September 24, 2007.

MR. TORPEY: I'll second that.

ROLL CALL

MR. LUNDSTROM	AYE
MS. LOCEY	AYE
MR. TORPEY	AYE
MR. KANE	AYE

DONNA_VERDIGLIONE_(07-50)

MR. KANE: Request for 20 foot rear yard setback for existing 10 foot x 20 foot screen room at 34 Knox Drive.

Ms. Donna Verdiglione appeared before the board for this proposal.

MR. KANE: Just speak loudly so that this young lady can hear you and tell us what you want to do.

MS. VERDIGLIONE: We have a pre-existing screened room, I purchased the house in 1988 and when I bought the house there was a 10 foot overhang with supporting beams and footers, we had the area screened in and what our contractor basically is just tacked up siding into the support beams and put screens in.

MR. KANE: And it's been basically in existence since 1988?

MS. VERDIGLIONE: Yes.

MR. KANE: You bought the house like that so some of the questions I ask may not make sense but I've got to ask them anyway. Was there cutting down of any trees, substantial vegetation in the building of this?

MS. VERDIGLIONE: No.

MR. KANE: Creating water hazards or runoff?

MS. VERDIGLIONE: No.

MR. KANE: Any easements running through the area where the screened-in porch is?

MS. VERDIGLIONE: No.

MR. KANE: Have there been any complaints formally or informally about the screened-in deck?

MS. VERDIGLIONE: No.

MR. KANE: Similar in size and nature to other decks or screened-in areas in your neighborhood?

MS. VERDIGLIONE: Yes, basically, the reason why we did it we a child and we did it to provide someplace for her to play and be safe and give her independence.

MR. KANE: Comes in handy.

MS. VERDIGLIONE: We were told, I just want to tell you the contractor did this, told us that we didn't have to get a permit so being first time homeowners we listened to him. Now we know better.

MR. KANE: Not to be disparaging but as long you listen and learn not to listen to contractors. Talk to him.

MS. VERDIGLIONE: We could have done this if we knew we had to get one.

MR. LUNDSTROM: Is it safe to assume there was no building permit on that structure?

MS. VERDIGLIONE: No, there wasn't.

MR. LUNDSTROM: If I may ask the building inspector are the footings sufficient so this could be enclosed in?

MR. BABCOCK: I, actually, I personally was not there so I don't know that.

MR. KANE: If it's passed here then they're still subject to passing inspection by the building department, it's not an automatic in, they have to go out and make their inspection.

MR. LUNDSTROM: The only reason why I ask that there are some porches and decks that are put on where the C.O. said that this shall never be enclosed because the footings are such that they raise and lower and you don't want to build that onto the house because it's going to damage the house.

MR. KANE: Have you had any problems?

M.S. VERDIGLIONE: No, we've been there since my daughter was born, when she was first diagnosed and we've had no problems with all the snow.

MR. LUNDSTROM: If this is approved, do you intend to apply for a building permit to make that legal?

MR. BABCOCK: That's how they got here, they applied for a permit.

MS. VERDIGLIONE: Yes.

MR. KANE: Yeah, that's how you get here is you apply for a permit and you get declined, it's the only way to get here. Any further questions? I'll accept a motion.

MS. LOCEY: I'll offer a motion to schedule a public hearing on the application of Donna Verdiglione for the variances as detailed on the agenda of the September 24, 2007 Zoning Board of Appeals meeting.

MR. TORPEY: I'll second that.

ROLL CALL

MR. LUNDSTROM	AYE
MS. LOCEY	AYE
MR. TORPEY	AYE
MR. KANE	AYE

FRANCES_HALES_(07-51)

MR. KANE: Request for 15.5 foot side yard setback and 2.5 foot total side yard setback and 19 foot rear yard setback for proposed addition at 109 Erie Avenue.

Ms. Frances Hales appeared before the board for this proposal.

MR. KANE: Again, speak loud enough, name and address, tell us what you want to do.

MS. HALES: 109 Erie Avenue, New Windsor. We're looking to build onto the back of our house which you would not see from the front yard that goes to the main street. We're looking to do a small addition that's going to have a family room in the bottom and above it will be a master bedroom and then they'll be just enlarging our bathroom upstairs. So I think the only problem is in one small corner where it's going to go beyond the variance a small amount so I don't think we have any problems from our neighbors. We live in the, our house right now is 900 square foot, we have two children which are boys and we need space and we can't move anywhere.

MR. KANE: Will you be cutting down any trees or substantial vegetation in the building of the addition?

MS. HALES: We actually already have a tree that we took down.

MR. KANE: Nothing substantial?

MS. HALES: No.

MR. KANE: Creating any water hazards or runoffs?

MS. HALES: No.

MR. KANE: Are there any easements running through where you want to go?

MS. HALES: I'm not sure what an easement is but I don't think so.

MR. KANE: It's a right-of-way through your property.

MS. HALES: Oh, no, no.

MR. KANE: You're on town water and sewer?

MS. HALES: Yes.

MR. BABCOCK: The house is on, Mr. Chairman, as far as the survey shows the house is on quite a bit of an angle to the lot so the farther she goes back the closer she gets to the property line from such an angle, that's the problem. If the house was straight or parallel with the property line she would avoid one of the variances.

MR. KANE: That's one of those well drawn out property lines in New Windsor.

MR. LUNDSTROM: Mike, do we have a plot plan on this cause this is what we have on our application?

MR. BABCOCK: We have a survey on file. We'll make copies for you.

MR. LUNDSTROM: Thank you.

MR. KANE: Any further questions? I'll accept a motion.

MR. LUNDSTROM: I will offer a motion that the application by Frances Hales be scheduled for public hearing as documented on the agenda item number 3 on the Zoning Board of Appeals for September 24, 2007.

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MS. LOCEY: I'll second that motion.

ROLL CALL

MR. LUNDSTROM	AYE
MS. LOCEY	AYE
MR. TORPEY	AYE
MR. KANE	AYE

JOANN_MANGIARACINA_(07-52)

MR. KANE: This is as referred by the planning board.

MR. LUNDSTROM: I must recuse myself, he's a neighbor of mine.

MR. KANE: I will ask you to sit in the audience.

MR. BROWN: Charles Brown, engineer for the applicant. This is a 4 lot subdivision and as a result of that subdivision an existing barn and silo are within the side yard setback. Because of their height the planning board determined that setbacks should be the full 40 feet so we request a variance based upon that. These lots 1 through 3 all are minimum width so we could not put that property line any further away from those, that barn is over 100 years old and, I mean, the silo is over 100 years old, the barn has been there I guess 10 years. Granting the variances will allow us to leave them there which will preserve the rural character of the property.

MR. KANE: There's an existing dwelling on that particular lot, is that what I'm seeing?

MR. BROWN: Yes.

MR. KANE: That all is proposed to stay there, that's not coming down?

MR. BROWN: Correct.

MS. LOCEY: Where is the existing building?

MR. BROWN: This is the existing building, existing barn and existing silo.

MS. LOCEY: What's that?

MR. BROWN: That's this barn over here.

MR. BABCOCK: Mike, otherwise, the lots all fit?

MR. BABCOCK: Yes.

MR. KANE: With the existing zoning?

MR. BABCOCK: Yes.

MR. BROWN: We have already designed the septic and got the DEC permit for the driveway through the buffer for lot 1 back in here.

MR. KANE: With the minimum frontage there's really no way to steal any footage.

MR. BROWN: Correct.

MS. LOCEY: Does it have any notes or minutes from the planning board as to their discussions on this?

MR. KANE: No, but we can probably see if we can get some of that for the public hearing.

MS. MASON: I can mail them to all the members.

MR. KANE: So we'll have them available for the public hearing.

MR. BROWN: Engineer already signed off on the septic so we're fully engineered, ready to go back to the planning board. The reason we didn't come into the zoning board earlier was because of the DEC requirement for the driveway for lot 1, the house is up here, this is the engineer's drawing, the house up here so we have a driveway through the wetland buffer not through the wetland but through the buffer so this permitting process is tedious and time consuming.

MS. LOCEY: So this is a 4 lot subdivision with residential single family homes?

MR. BROWN: Right.

MS. LOCEY: How large would each lot be, approximately?

MR. BABCOCK: The requirements are 80,000 square feet, this lot 4 that we're dealing with with the barn and silo is 645,000 square feet.

MS. LOCEY: So it's substantially.

MR. BABCOCK: Huge.

MR. BROWN: A good portion of that is wetland and the zoning requires to calculate net area which has to be 60 percent of the gross, in other words, minimum is 48,000 square foot in that area and that lot has over 200,000 so it's five, at least five times what's required.

MR. BABCOCK: It's just good planning to put the lot lines straight, I mean, we can zigzag the lot lines around to make it work, it's not good planning to do that and that's--

MR. KANE: I think we see enough of that.

MR. BROWN: On this I don't think we could because the minimum frontage is required.

MR. BABCOCK: You can go back up and "Y" back out at the frontage, just do this at the frontage.

MR. BROWN: That map gets filed and my name is on it forever.

MR. BABCOCK: I'm just saying that's why you're here, it's just good planning, I'm sure, I don't even know

what the planning board said, do you, Myra?

MS. MASON: They don't usually look at it very closely for the referral.

MR. BROWN: Again, this was before the planning board.

MR. BABCOCK: But this barn and silo don't mean much to the planning board, you know, it's the straight property lines that they like to see, that's why they referred you over to the zoning board, felt it's better to get the variances than change the lot lines.

MR. BROWN: We have been before the planning board several times but this is very well along in this process.

MR. KANE: Any further questions from you guys at this time? Then I'll accept a motion.

MS. LOCEY: I will offer a motion to schedule a public hearing on the application of Joann Mangiaracina as referred by the planning board and as detailed in the agenda of the Zoning Board of Appeals dated September 24, 2007.

MR. TORPEY: Second it.

ROLL CALL

MR. LUNDSTROM	ABSTAIN
MS. LOCEY	AYE
MR. TORPEY	AYE
MR. KANE	AYE

PUBLIC_HEARINGS:

DOMINIC_DESMOND_(07-44)

MR. KANE: Request for 12 foot rear yard setback for existing deck at 319 Burroughs Lane.

Ms. Tanya Desmond appeared before the board for this proposal.

MR. KANE: May I ask if there's anybody here for this particular hearing? Seeing as there's not, okay, tell us what you want to do.

MS. DESMOND: Well, we just have a deck that was, our house was a foreclosure when we bought it, it had a concrete slab with wood over the concrete and we put railings up on the side because it was already existing and the footings were in because they don't come out that far down because it's just a slab that we had to get a permit to put the railings all the way around so--

MR. KANE: So you're here.

MS. DESMOND: So we're here.

MR. KANE: Cut down, well, I still have to ask the questions, cut down any trees, substantial vegetation in the building of the deck?

MR. KANE: Create any water hazards or runoffs?

MS. DESMOND: No.

MR. KANE: Any easements running through?

MS. DESMOND: No.

MR. KANE: How long has the deck been up?

MS. DESMOND: Seven years.

MR. KANE: Has there been any complaints formally or informally?

MS. DESMOND: No.

MR. KANE: Is it similar in size and nature to other decks in your neighborhood?

MS. DESMOND: Yes.

MR. KANE: At this point again I will ask if, I will open the public portion of the meeting and ask if there's anybody here for this public hearing? Seeing as there's not, we'll close the public portion of the meeting and ask Myra how many mailings we had.

MS. MASON: On September 12, I mailed out 80 addressed envelopes and had no response.

MR. KANE: Any questions, Eric?

MR. LUNDSTROM: I have none, Mr. Chairman.

MR. KANE: Then I'll accept a motion.

MR. LUNDSTROM: Mr. Chairman, I will offer a motion that the application by Dominic and Tanya Desmond as documented on the agenda of the ZBA September 24, 2007 be approved by this board.

MR. TORPEY: I'll second it.

ROLL CALL

MR. LUNDSTROM	AYE
MS. LOCEY	AYE
MR. TORPEY	AYE

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MR. KANE

AYE

TABLED_ITEM_FROM_9/10/07_MEETING:

MATTHEW_ZALOGA_(FOR_MAZZA)

MR. KANE: Request for variance to permit 8 foot fence for proposed tennis court at 1016 Forest Glen.

Mr. Stanley Mazza appeared before the board for this proposal.

MR. KANE: Where did we leave off on the tabled item, did we close the public portion of the meeting?

MR. LUNDSTROM: I believe the public portion was closed and prior to the board issuing a vote the applicant was given the option to request an adjournment cause there were only three members there. He chose to accept the adjournment.

MR. KANE: Mr. Mazza, just review what you want to do for me, please.

MR. MAZZA: What I'm requesting is an extension of the height of the fence at the property line which is 6 foot is permitted but for the building line and only 4 foot is permitted after the building line just on the side piece of my portion of the property and the back part of the proposed tennis court location, just more of a ball containment. And it's going to be a clear black cyclone fence basically two inch chain link almost non-visible.

MR. KANE: And the reason for 8 foot?

MR. MAZZA: Just for ball containment.

MR. KANE: Six foot isn't high enough?

MR. MAZZA: Yes, it's a drop-in grade after the court so it actually drops.

MR. KANE: And the fence itself not going to inhibit the view of traffic coming down the street?

MR. MAZZA: No.

MR. KANE: If I remember correctly, the red flags are where the fence line's going to be?

MR. MAZZA: Yeah, it's right, actually, no, this is the property line but it's further in.

MR. KANE: Further in from there?

MR. MAZZA: Yeah, actually around here and this way.

MR. LUNDSTROM: Question. On this plot plan, you're saying this particular area here would be what height is that going to be the 8 foot?

MR. MAZZA: It's tough to draw a plot plan, the 8 foot is this is Forest Glen so it would be here cause this is the adjoining property, this is not a street, this is the adjoining lot.

MR. LUNDSTROM: This would be the 8 foot for how long?

MR. MAZZA: For approximately--

MR. LUNDSTROM: The width of the tennis court.

MR. MAZZA: The width of the tennis court.

MR. LUNDSTROM: This would be--

MR. MAZZA: That would be 4 feet behind the trees.

MR. LUNDSTROM: And this would be?

MR. MAZZA: Four feet.

MR. LUNDSTROM: And the rest?

MR. MAZZA: Six feet.

MR. LUNDSTROM: Okay.

MR. KANE: Okay, I'm refreshed.

MR. MAZZA: I just wanted to show you the area he talked about is this here, tennis court is on an angle this way.

MR. KANE: And it's not going to cover the easement, go over the easement in the back towards the trees?

MR. BABCOCK: Yeah, he's got, Mr. Chairman, I brought a copy, excuse me, I shouldn't have butted in, I brought a copy of, fill-in chairman last meeting said that she would like to see a copy of the agreement from the Town of New Windsor and this gentleman that he could put the fence on the easement as long as he removes it whenever necessary, if the town deems it necessary, I have that and I can give that.

MR. KANE: And that was entered into the record?

MR. BABCOCK: Myra, did they send you a copy?

MS. MASON: I have one.

MR. BABCOCK: Yes.

MR. LUNDSTROM: Just a point of clarification so the only thing before this board tonight is for a 20 foot length section behind the tennis court between the tennis court and your neighbor, the 20 foot width section that would be 8 foot high?

MR. MAZZA: Yes, I don't know if it's 20 feet but it's

approximately that.

MR. KANE: Just that one section.

MR. MAZZA: The width of the court, the surface area of the court.

MR. LUNDSTROM: Will there be trees behind that or in front of that?

MR. MAZZA: And my property if the town would allow me to plant trees we could.

MR. BABCOCK: We don't want him to put trees there because it's an easement and you have to tear the trees out to get there, so the town is not opposed to the fence cause you just pull the fence apart and go in there and you're all set, trees would have to come down on dig them out, that's why the town doesn't want the trees.

MR. LUNDSTROM: Okay.

MR. BABCOCK: Actually that was his first reply to the town, try to put trees there and the town said no.

MR. LUNDSTROM: What's the easement that that's on?

MR. BABCOCK: It's a utility easement, I think there's a sewer line in there right now.

MR. MAZZA: Water, sewer and water drainage.

MR. KANE: Any further questions from the board? Hearing none then I'll accept a motion.

MR. LUNDSTROM: Mr. Chairman, in preparation for the motion may I say that the last meeting that this gentleman was here there were some comments from the public and basically the comments from the public were

comments of being upset and disgusted at the fact that a tennis court went in. I think it's fair to say that we are not a board that can say whether the tennis court should have gone in or not, that's something that is out of our realm, the only thing we can do is to say in this 20 foot of section of the fence at the end of the tennis court in one direction can it be raised by two feet. I think that's the decision we have tonight.

MR. KANE: Exactly, that's why he's here.

MR. LUNDSTROM: With that in mind, Mr. Chairman, I will make the motion that the application by Stanley Mazza be approved by this board.

MS. LOCEY: I'll second that motion.

ROLL CALL

MR. LUNDSTROM	AYE
MS. LOCEY	AYE
MR. TORPEY	AYE
MR. KANE	AYE

FORMAL_DECISIONS

MC DONALD	LANDMASTER HARP LLC	DEARNALEY
ELK'S CLUB	DENISE STRALED	
MENKENS	JEFFERS	
MATSUKA	QUERCIA	

MR. KANE: We have nine formal decisions, we can take them in one vote if it pleases the board.

MR. LUNDSTROM: So moved all of them be approved.

MS. LOCEY: I'll second that motion.

ROLL CALL

MR. LUNDSTROM	AYE
MS. LOCEY	AYE
MR. TORPEY	AYE
MR. KANE	AYE

MR. KANE: Motion to adjourn?

MR. LUNDSTROM: Before we do I believe there's someone here, I'm not sure why he's standing up.

MR. MORRIS: I would just like to let you see my neighborhood that we're going to put this proposed fence in and Mr. Mazza, my next door neighbor, and all those photos will show my house and the location where it's going to go. And I thank you very much for not reopening the public hearing which we were told it would be opened again. Todd Morris, 1018 Forest Glen.

MR. KANE: Motion to adjourn?

MR. LUNDSTROM: So moved.

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MS. LOCEY: Second it.

ROLL CALL

MR. LUNDSTROM	AYE
MS. LOCEY	AYE
MR. TORPEY	AYE
MR. KANE	AYE

Respectfully Submitted By:

Frances Roth
Stenographer